

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

DANIEL PATRICK FITZGERALD

Debtor

Chapter 13

Case No. 18-14106-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c)(4) – Failure to Commence making Plan payments. Debtor has not yet made his first Plan payment in case.

Pursuant to 11 U.S.C. §1307(e) & §1308(a) – Failure to File Tax Returns at Time of 341. Debtor has not filed 2016 and 2017 tax returns as of the time of his Meeting of Creditors.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

Daniel Patrick Fitzgerald, Case #18-14106-BFK

Attend the hearing to be held on February 7, 2019 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __January 15, 2019__

____/s/ Thomas P. Gorman____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of January, 2019, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Daniel Patrick Fitzgerald
Chapter 13 Debtor
9317 Tarra Lane
Manassas, VA 20110

Nathan Fisher, Esq.
Attorney for Debtor
Fisher-Sandler, LLC
3977 Chain Bridge Rd. #2
Fairfax, VA 22030

____/s/ Thomas P. Gorman____
Thomas P. Gorman